IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 2012 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/03/2003 in WP No: 5222 OF 2003 on the file of the High Court.)

Between:

1. Vangapandu Angaraka Rao, S/o. Sri Apalaswamy,

   Aged 51 years, Branch Manager,

   Sri Visakha Grameena Bank, Area Office,

   Vizianagaram.

2. Benna Bhaktula Surya Rao, S/o. Sri Suryalingam,

   Aged 50 years, Branch Manager,

   Sri Visakha Grameena Bank, Seethampeta Branch,

   Srikakulam District.

3. Bommi Kasiviswanath, S/o. Pyadapunaidu,

   Aged 47 years, Branch Manager,

   Sri Visakha Grameena Bank, Chintala Branch,

   Vizianagaram.

..... APPELLANTS

AND

The Chairman, Sri Visakha Grameena Bank,

Srikakulam.

.....RESPONDENT

Counsel for the Appellants: Dr.P.B.VIJAYA KUMAR

Counsel for the Respondent:

The Court made the following:

ORAL ORDER: (BY GB,J)

The Writ Appeal is filed against the order dated 27-3-2003 passed by the learned Single Judge in W.P.No.5222 of 2003.

2. The Writ Petition was filed seeking direction to the respondent-bank to extend the benefit of seniority with effect from 1-3-1983. The said Writ Petition dismissed by an order dated 27-3-2003. Against the said order the present Writ Appeal has been filed.

3. Learned counsel for the petitioner submits that the order of the learned Single Judge is not sustainable in law, inasmuch as the principle of *res judicata* was not applicable. We are afraid we cannot accept this contention. The learned Single Judge while dismissing the Writ Petition, observed as follows:

> "This Writ Petition is filed mainly on the ground that the respondent itself had issued the proceedings dated 30-4-1997 providing for extension of certain benefits to the petitioners and four others despite the same benefit was not extended.
>
> This Court is not prepared to go into the merits of the matter for the simple reason that the pleas which are now relied upon by the petitioners were very much in existence when the writ petition came to be dismissed, and when this Court refused to condone the delay in the writ appeal. The petitioners are precluded from raising the present plea on the ground of constructive res

judicata. The writ petition is devoid of merit and is accordingly dismissed."

4. Under those circumstances, we do not find any ground to interfere with the orders passed by the learned Single Judge.

5. Accordingly, the Writ Appeal is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 24-11-2004

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To

1 The Chairman, Sri Vishaka Grameena Bank, Srikakulam.

2 CD copies.